



Judiciary Committee Public Hearing

March 13, 2023

TESTIMONY IN SUPPORT OF H.B. No. 6682 AN ACT CONCERNING THE SENTENCE FOR MURDER COMMITTED IN THE COURSE OF COMMISSION OF A FAMILY VIOLENCE CRIME.

My name is Michele Voigt, I am the co-founder of Violent Crime Survivors (VCS). We are a survivor-led, community-based, wrap-around organization supporting victims and survivors of violent crime by fostering a community of resources to support survivorship, seek justice, and shape public safety policy.

VCS is victim and survivor driven. We authentically represents the needs of our community. One hundred percent of our actions, advocacy, and interventions are at the request of violent crime victims and survivors, including my testimony today that is **in support of H.B. No. 6682 with the modification that Domestic Violence as defined in C.G.S. § 46b-1(b) be placed in addition to Family Violence crime as defined in section 46b-38a.**

For the purpose of this legislation, domestic violence is a more comprehensive definition, “domestic violence” means: (1) A continuous threat of present physical pain or physical injury against a family or household member, as defined in section 46b-38a; (2) stalking, including, but not limited to, stalking as described in section 53a-181d, of such family or household member; (3) a pattern of threatening, including, but not limited to, a pattern of threatening as described in section 53a-62, of such family or household member or a third party that intimidates such family or household member; or (4) coercive control of such family or household member, which is a pattern of behavior that in purpose or effect unreasonably interferes with a person's free will and personal liberty. “Coercive control” includes, but is not limited to, unreasonably engaging in any of the following:

- (A) Isolating the family or household member from friends, relatives or other sources of support;
- (B) Depriving the family or household member of basic necessities;
- (C) Controlling, regulating or monitoring the family or household member's movements, communications, daily behavior, finances, economic resources or access to services;
- (D) Compelling the family or household member by force, threat or intimidation, including, but not limited to, threats based on actual or suspected immigration status, to (i) engage in conduct from which such family or household member has a right to abstain, or (ii) abstain from conduct that such family or household member has a right to pursue;
- (E) Committing or threatening to commit cruelty to animals that intimidates the family or household member; or
- (F) Forced sex acts, or threats of a sexual nature, including, but not limited to, threatened acts of sexual conduct, threats based on a person's sexuality or threats to release sexual images.¹

¹ Sec. 46b-1. (Formerly Sec. 51-330). Family relations matters and domestic violence defined.

Family Violence as defined in section 46b-38a. For the purposes of sections 46b-38a to 46b-38f, inclusive:

(1) “Family violence” means an incident resulting in physical harm, bodily injury or assault, or an act of threatened violence that constitutes fear of imminent physical harm, bodily injury or assault, including, but not limited to, stalking or a pattern of threatening, between family or household members. Verbal abuse or argument does not constitute family violence unless there is present danger and the likelihood that physical violence will occur.

(2) “Family or household member” means any of the following persons, regardless of the age of such person: (A) Spouses or former spouses; (B) parents or their children; (C) persons related by blood or marriage; (D) persons other than those persons described in subparagraph (C) of this subdivision presently residing together or who have resided together; (E) persons who have a child in common regardless of whether they are or have been married or have lived together at any time; and (F) persons in, or who have recently been in, a dating relationship.

(3) “Family violence crime” means a crime as defined in section 53a-24, other than a delinquent act, as defined in section 46b-120, which, in addition to its other elements, contains as an element thereof an act of family violence to a family or household member. “Family violence crime” includes any violation of section 53a-222, 53a-222a, 53a-223, 53a-223a or 53a-223b when the condition of release or court order is issued for an act of family violence or a family violence crime. “Family violence crime” does not include acts by parents or guardians disciplining minor children unless such acts constitute abuse.²

Family violence does not include coercive control. In fact, it specifically excludes verbal abuse unless there is “present danger and the likelihood that physical violence will occur.” Coercive control is “always” discovered in Intimate Partner killings.³ The states definition of domestic violence is inclusive of family violence. It is a more effective term in addressing and defining intimate partner, family, domestic violence murder in the State of Connecticut.

As many of you know, I have been researching, drafting, and proposing this legislation for several years. Many of you have met with my partner Jennifer Lawlor and me regarding the need for Intimate Partner Domestic Violence Murder to be defined in state statute and added to criminal code under Murder with Special Circumstances. To this end we’ve had years of discussions, sent 890 emails, drafted three proposals, analyzed Murder with Special Circumstances and how it has been applied, created and tracked sentencing data on every person murdered by an intimate partner in Connecticut since 2000, disseminated Intimate Partner Sentencing Statistics 2000-2018, and obtained 1,340 signatures on petitions asking you to act on our proposals.

And here we are today, finally arriving at a public hearing to discuss the addition of “family violence” murder to Murder with Special Circumstances. 24 legislative proposals addressing domestic violence have been introduced this session and 7 of them are addressing the addition of Domestic, Intimate Partner, Family Violence Murder to criminal code Capital A Felony Murder, Murder with Special Circumstances or Class A Felony Murder. I suspect you will be hearing more from us this session.

Participating in public hearings and or providing written testimony is an almost impossible traumatic burden for survivor families to overcome. Preparing testimony is a trauma stimulus akin to making a victim’s impact statement

² Sec. 46b-38a. Family violence prevention and response: Definitions.

³ Monckton-Smith, Jane Foucauldian analysis to track an eight stage relationship progression to homicide. Violence Against Women. ISSN 1552-8448

at sentencing. Unfortunately, listening to their experiences in the criminal justice process is the only way by which the Connecticut General Assembly will act to repair the injustices these families endure after the horrific and violent killing of their child, parent, sibling, or loved one. They are the most courageous people, surviving the horrific loss of a child or parent. They find a way to “go on”, to raise siblings, to parent their murdered child’s children, and to honor their loved one through protecting the lives of others. Survivors of intimate partner homicide are the bravest people; yet today, many are voiceless, paralyzed by trauma, and they cannot associate the words or a way to speak their account or shape their weighty thoughts. Many do not have the resources to be here before you to tell you of their horror and to tell you what they require as justice. Their voices, often swallowed by agony, despair, and fear are the only voices that remain for the victims, their loved ones, rendered lifeless at the hands of another.

It is important for you to consider that the addition of intimate partner, domestic, family violence murder to General Statutes 53a-54b – Murder with Special Circumstances is survivor driven legislation. It must not be a pawn in partisan politics. Intimate partner murder has no boundaries. It occurs in every county, city, and town within this state regardless of party affiliation, social status, economics, and race.

Domestic violence and intimate partner killings impact all communities. From 2000 – 2022, there were 321 individuals in Connecticut killed by their intimate partners, and the majority (87 percent) of the victims of those crimes were women. According to the Connecticut Coalition Against Domestic Violence (CCADV), Connecticut averages 14 intimate partner killings every year, but the lethality of these crimes and the brutality with which they are carried out has become even more extreme. Forty percent of intimate partner killings involve firearms and sixty percent involve knives or sharp objects, strangulation or asphyxiation, blunt force trauma, bodily physical force, or arson.⁴

According to the Connecticut Family Violence Report by the Department of Emergency Services and Public Protection in 2021 there were 27 family violence homicide incidents resulting in 36 deaths; 29 victims and seven offender suicides. 66% of the victims were female. A child under 18 years of age was involved as the victim in five family violence homicide incidents (19%). A child under 18 years of age was present in five incidents (19%). On a national level, children are present at 35% of intimate partner homicides and in 37% of all intimate partner homicides children discover the deceased. From 1999-2004, 23% of incidents of intimate partner homicide killed at least one child.⁵

Most stories of family / intimate partner murder are rarely told and news coverage of their murders rarely extends outside of their local communities. Their killers are rarely prosecuted to the full extent of the law. And their families rarely get the justice they deserve. The overwhelming majority of domestic violence goes unreported and unnoticed. Perhaps this is why current federal and state criminal law so grossly fails both survivors of domestic abuse and victims of domestic violence murder.”⁶

Each night that the people of Connecticut see on the evening news that another woman has been killed by her abusive husband, boyfriend, or intimate partner, they also see a prosecutor assuring the victim’s family that the perpetrator will be punished to the fullest extent of the law.⁷ But as domestic violence killings continue to occur regularly, those paying attention have begun to realize that “the fullest extent of law” in Connecticut can often mean that these abusive killers are permitted to go free just a few short years after they have taken the life of a family’s

⁴ Connecticut Coalition Against Domestic Violence, Stats <https://www.ctcadv.org/resources/stats>

⁵ Zeoli, April, PhD. Criminal Justice Intimate Partner Murder Policy, 2018

⁶ Butto, Nick, The Front and Back Ends of Domestic Violence Murder: An Exploration of the Avenues for Change and an Introduction of the Domestic Violence-Murder Doctrine, 2019)

⁷ This law will cover victims of any gender, but statistics show that the overwhelming majority of victims are female.

daughter, sister, or mother. This is because the current criminal law in Connecticut (and in many states) makes it incredibly difficult for prosecutors to charge the perpetrators of intimate partner killings with Murder. A systematic pattern of violence, coercive control, and other abuses that may have been ongoing for years leading up to the killing are often not *legally* relevant.

This proposed legislation seeks to add an act in the commission of family violence to General Statutes 53a-54b – Murder with Special Circumstances. It is classified as a Class A Felony with a sentence of life without the possibility of release.

A person is guilty of Sec. 53a-54b. Murder with special circumstances who is convicted of any of the following and was eighteen years of age or older at the time of the offense:

(1) Murder of a member of the Division of State Police within the Department of Emergency Services and Public Protection or of any local police department, a chief inspector or inspector in the Division of Criminal Justice, a state marshal who is exercising authority granted under any provision of the general statutes, a judicial marshal in performance of the duties of a judicial marshal, a constable who performs criminal law enforcement duties, a special policeman appointed under section 29-18, a conservation officer or special conservation officer appointed by the Commissioner of Energy and Environmental Protection under the provisions of section 26-5, an employee of the Department of Correction or a person providing services on behalf of said department when such employee or person is acting within the scope of such employee's or person's employment or duties in a correctional institution or facility and the actor is confined in such institution or facility, or any firefighter, while such victim was acting within the scope of such victim's duties;

(2) murder committed by a defendant who is hired to commit the same for pecuniary gain or murder committed by one who is hired by the defendant to commit the same for pecuniary gain;

(3) murder committed by one who has previously been convicted of intentional murder or of murder committed in the course of commission of a felony;

(4) murder committed by one who was, at the time of commission of the murder, under sentence of life imprisonment;

(5) murder by a kidnapper of a kidnapped person during the course of the kidnapping or before such person is able to return or be returned to safety;

(6) murder committed in the course of the commission of sexual assault in the first degree;

(7) murder of two or more persons at the same time or in the course of a single transaction; or

(8) murder of a person under sixteen years of age. (GENERAL STATUTES OF CONNECTICUT, 2022)

This proposal adds (9) murder committed in the course of commission of a family violence crime, as defined as section 46b-38a. As stated earlier, we request the proposal read (9) murder committed in the course of commission of Family Violence as defined in Secs. 46b-38a and Domestic Violence as defined in Sec. 46b-1b.

As you see, the Connecticut Penal Code provides for several “special circumstances” which, if present during a killing, make the crime qualify as Murder. However, absent from this set of special circumstances in Connecticut is any

reference to a pattern of perpetrating domestic violence against the eventual victim over the course of time. Until recently, this was the case in every state. However, as reports of domestic and intimate partner violence have become more common, and as more women end up tragically dead at the hands of their abusers, state legislatures across the country have begun to address this problem by passing legislation specifying that evidence of such abuse is more akin to first-degree Murder than it is to any lesser offense.⁸ At least ten states have updated their penal codes to include a history of domestic violence or existence of a restraining order among the enumerated aggravating factors in their capital or first-degree murder punishment structures.⁹

As a result, perpetrators of sustained domestic violence who kill their partners in those states are less likely succeed in arguing that they caused their partner's death in the "heat of passion"¹⁰—a common strategy employed by defendants in these types of cases to avoid a conviction for murder and instead work their charges down to the lesser crime of manslaughter.¹¹ In Connecticut, a conviction for murder carries a minimum sentence of 25 years, murder with special circumstances carries a sentence of 60 years / life, while a conviction for manslaughter in the first degree carries a minimum sentence of only five years.¹² It is all too common that the perpetrators of these heinous acts end up serving sentences shorter than the length of time they had been abusing their victims. This goes against the principles of both justice and public policy.

The states that include reference to domestic violence or restraining orders among the enumerated aggravating factors in their capital or first degree murder punishment structures are summarized at the conclusion of this testimony.

Jury trials for intimate partner domestic violence murder have declined dramatically since the early 2000's, while plea bargains have surged and now steadily outnumber trials. In 2014, plea deals were accepted in 77% of intimate partner killings. In 2015, there was one jury trial and by 2016, 100% of intimate partner sentences were the results of plea deals.

In 2012, the length of plea bargain sentences for intimate partner murder were, on average, 75% lower than sentences resulting from a jury conviction. The majority of those plea deals were for First Degree Manslaughter, not Murder. Because manslaughter does not require proof of premeditation - an element of Murder that is often very difficult to prove - prosecutors are often wary of proceeding to jury trials on Murder charges and encouraged to plead defendants down to lesser charges carrying lesser sentences. Plea bargain sentences for intimate partner domestic violence murder in Connecticut result, on average, to 18 years less than a sentence resulting from a jury trial.

Connecticut criminal code must specifically address Intimate Partner Murder as Murder and reduce the "heat of passion" fallacy that allows abusers to plea bargain for Manslaughter vs. Murder. State's Attorneys must have the tool to charge intimate partner murder for what it is, Murder, and not Manslaughter.

While some are skeptical that a law providing for harsher sentences for more serious crimes will not deter would-be criminals from committing those crimes, the foundation of our criminal justice system rests on this very principle.

⁸ See Butto, *The Front and Back Ends of Domestic Violence Murder: An Exploration of the Avenues for Change and an Introduction of the Domestic Violence-Murder Doctrine*, 107 Geo. L. J. 457 (2019).

⁹ These states include Minnesota, Illinois, New Jersey, Washington, Alabama, Florida, Kentucky, Louisiana, Pennsylvania, and North Carolina

¹⁰ In Connecticut, Manslaughter in the First Degree includes causing the death of another while "under the influence of extreme emotional disturbance" or "under circumstances evincing an extreme indifference to human life."

¹¹ See Butto *supra*.

¹² C.G.S. § 53a-35a.

Opposition might suggest that criminals don't stop to think about the penalties attached before committing the crime. That increasing the penalty will not deter intimate partner murder. A number of studies show that states employing the felony murder rule (which provides that causing a death during the commission of a felony will result in a significantly harsher penalty), a lower percentage of eligible felonies (e.g., burglaries and larcenies) resulted in death. The fact is: the knowledge that causing a death could risk a prison sentence of twenty years to life generally functions as more of a deterrent than knowing the worst penalty a perpetrator might suffer is a few years behind bars.

Not only is the criminal justice system built on the idea that more severe crimes are met with harsher penalties, but the structure of that penalty system sends a message to society about what our government takes seriously. The special circumstances that exist currently in Connecticut's Murder statute are meant not only to deter crimes like murder-for-hire, sexual assault, and kidnapping, but also to recognize that these crimes, when coupled with the loss of life, are extraordinarily impactful to local communities and detrimental to citizens' ability to feel safe living their lives as citizens of Connecticut. This law will send the message that domestic violence and intimate partner violence is a crime that the Connecticut government takes seriously and that has a significant impact on every community within the state.

Criminologists specializing in domestic homicide have discovered that intimate partner murder is predictable based on a pattern of coercive control and intimate partner killers are a "type."

According to Jane Monckton Smith, a Professor of Public Protection at University of Gloucestershire and the author of "In Control: Dangerous Relationships and How They End in Murder," the "crime of passion" theory is the biggest myth about intimate partner killings. After more than a decade researching and assessing domestic homicide cases and interviewing killers, trying to understand what drove them to murder, her main finding is, "those who commit violence share a common need to be 'in control,' and instead of occurring spontaneously, the act is, in fact, usually premeditated. In other words, most murders are *not* crimes of passion. "The common denominator is that perpetrators believe themselves to be entitled to be in charge of their relationship."¹³

Gregory K. Moffatt, Dean of the College of Social and Behavioral Sciences at Point University, is a former homicide profiler with the Atlanta Cold Case Squad who served for nearly a decade as a regular lecturer at the FBI Academy agrees that the crime of passion narrative is misleading, since it "implies that it is impulsive and comes out of the blue," which, he notes, is false.¹⁴

Contemporary research on Intimate Partner murder assures us of two things, since it is predictive it is preventable and since it is planned and premeditated it is murder and not manslaughter. Despite the evidence, courts often do not entertain alternative narratives for domestic homicide. They are tied to traditional albeit archaic beliefs, that intimate partner killers are husbands, boyfriends, sons, and "friendly" neighbors and the killing occurred in a moment of passion. A moment private to the couple's dispute.

Intimate partner violence kills more than intimate partners. These corollary victims may be family members, friends, neighbors, persons who intervene in intimate partner violence, law enforcement, first responders, or bystanders. On a national level, studies have shown that approximately 20 percent of victims of these crimes are actually corollary

¹³ Monckton-Smith, Jane (2020) Intimate Partner Femicide: using Foucauldian analysis to track an eight stage relationship progression to homicide. *Violence Against Women*, 26 (11). pp. 1267-1285.

¹⁴ <https://daily.jstor.org/ending-myths-domestic-homicide/>

victims.¹⁵ Our best assessment for determining corollary victims in Connecticut is the annual Connecticut Family Violence Homicide Report, which suggests that 12 of 29 victims of family violence homicides in 2021 were not in intimate relationships with the offender, and five of the victims were children under the age of eighteen.¹⁶ We insist corollary homicides committed during an act of intimate partner domestic violence be included in this proposal so that the killing of bystanders and upstanders - individuals who were killed trying to aid the intended victim - also fall under Murder with Special Circumstances. We believe that would require the addition (as previously requested) of domestic violence along with family violence.

This bill will with the inclusion of domestic violence murder will serve to not only define family, intimate partner, domestic violence murder as the significant and deadly crime it truly is, but will also open the door for stronger enforcement of stricter penalties for perpetrators and more legislative support for victims.

The addition of family / domestic violence murder to Murder with Special Circumstances must be viewed as a remedy and relief for families of victims. Families who deserve the assurance that just as they have received a “life sentence” so does the murder of their loved one. Securing that they will not be further traumatized, year after year, by commutations, parole hearings, and early release. .

Every homicide leaves behind family members and loved ones—co-victims—whose lives will never be the same as a result of the homicide. Homicidal loss can result in psychological trauma that shatters a person’s sense of security and meaning, altering their worldview and sense of self; and the violent and unexpected nature of homicide is devastating and complicated for co-victims to process. Co-victims often report feeling overwhelming pain and hurt, which can also be accompanied by shock that manifests as numbness, anger, despair, guilt, or anxiety. While grief symptoms evolve over time, co-victims frequently express that their lives have been permanently altered. Despite these traumatic changes, homicide co-victimization remains strikingly under-researched and co-victims underserved. Losing a loved one to homicide can have devastating psychological consequences—and it can affect co-victims physically, economically, and socially.¹⁷

Secondary victimization (also called double victimization or re-victimization) is the process by which community members as well as individuals charged with helping crime victims (such as service providers or criminal justice system actors) treat victims in a manner that minimizes their experience, shames them, or otherwise re-traumatizes them (Campbell & Raja, 2001; Hatton, 2003). Experiences with secondary victimization can prevent victims from seeking the help they need in order to heal. ¹⁸

Many homicide co-victims must interact with the justice system following the loss of their loved one. Given the complex issues involved, co-victims can experience secondary traumatization as they navigate the system. ¹⁹

Qualitative research indicates that homicide co-victims’ involvement with the court system can cause a number of difficulties. For example, lengthy murder trials can draw out painful aspects of the experience for co-victims, and some co-victims report feeling that they could not fully engage in mourning until after the court case was closed. At the same time, the case may not be resolved in a manner that appeals to the co-victim’s sense of justice, further

¹⁵ Intimate Partner Homicide and Corollary Victims in 16 States: National Violent Death Reporting System, 2003–2009

¹⁶ Department of Emergency Services and Public Protection Crimes Analysis Unit, Division of State Police, James C. Rovella, Commissioner

¹⁷ Bastomski, Sara PhD: Duane, Marina MID; Center for Victim Research: [Losing a Loved One to Homicide: What We Know about Homicide Co-Victims from Research and Practice Evidence](#) 2019

¹⁸ Bastomski, Sara PhD: Duane, Marina MID; Center for Victim Research: [Losing a Loved One to Homicide: What We Know about Homicide Co-Victims from Research and Practice Evidence](#) 2019 Page1

¹⁹ Center for Victim Research: Homicide Co-Victimization Research Brief | 3

complicating their emotional and psychological reactions. In some circumstances, a murder case may go to trial years after the focal event, bringing up distressing emotions for the co-victim. As such, it is not surprising that co-victims often report feelings of frustration related to the criminal justice system²⁰

Research on survivors from a national representative sample found that the more satisfied survivors were with the criminal justice system's management of their loved ones' murder cases, the less likely they were to be depressed or anxious.²¹ Another study found that 71% of survivors had lifetime PTSD,²² which "might be attributable to . . . aggravation of symptoms produced by interacting with the criminal justice system."²³ Although the criminal justice system can negatively influence victim well-being, a four-state study (*n* = 1309) also found that crime victim satisfaction can mitigate crime-related PTSD.²⁴

In Minnesota survivors had greater control, likely because the appeals process was predictable, and completed within two years after conviction... Although the grief and depth of sorrow remained high for Minnesotans, no longer having to deal with the murderer, his outcome, or the criminal justice system allowed survivors' control and energy to be put into the present and to be used for personal healing.²⁵

Every victim of intimate partner, family, domestic violence murder has a mother, a child, a sister, someone they are loved by, a co-victim / survivor. The State of Connecticut must provide them with a semblance of peace that can only come by deliberate, consistent justice delivered through our criminal justice system by means of a minimum mandatory sentence of life without the possibility of parole.

The impact of introducing this sub-section to the penal code will be three-fold: (i) it will have a clear deterrent effect on this type of crime; (ii) it will add weight to reports of domestic abuse; and (iii) it will give closure to the families of victims of domestic violence murder when they hear that their child's, sibling's, or parent's killer will be prosecuted to the full extent of the Connecticut law.

I urge your favorable report on HB 6682 with our recommendations here-to-in. Thank you for consideration of the families who survive intimate partner homicide,

Michele Voigt
Violent Crime Survivors, Greenwich, CT
Cofounder/ CEO

²⁰ Bastomski, Sara PhD; Duane, Marina MID; Center for Victim Research: *Losing a Loved One to Homicide: What We Know about Homicide Co-Victims from Research and Practice Evidence* 2019 Page12

²¹ Angelynne Amick-McMullan et al., *Family Survivors of Homicide Victims: Theoretical Perspectives and an Exploratory Study*, 2 J. TRAUMATIC STRESS 21, 32 (1989)

²² John R. Freedy et al., *The Psychological Adjustment of Recent Crime Victims in the Criminal Justice System*, 9 J. INTERPERSONAL VIOLENCE 450, 457 (1994) (finding lifetime PTSD among 71% of family and friends of homicide victims who had reported the crime to law enforcement).

²³ Dean G. Kilpatrick & Mary P. Koss, *Homicide and Physical Assault*, in *THE MENTAL HEALTH CONSEQUENCES OF TORTURE* 195, 199 (Ellen Gerrity et al. eds., 2001).

²⁴ Judith Lewis Herman, *The Mental Health of Crime Victims: Impact of Legal Intervention*, 16 J. TRAUMATIC STRESS 159, 160-61, 163 (2003)

²⁵ Peterson Armour, Marilyn Umbreit, Mark 2012 *Assessing the Impact of the Ultimate Penal Sanction on Homicide Survivors: A Two State Comparison*
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States that include reference to domestic violence or restraining orders among the enumerated aggravating factors in their capital or first degree murder punishment structures:

MINNOSOTA: Statutes 609.185 MURDER IN THE FIRST DEGREE. (a) Whoever does any of the following is guilty of murder in the first degree and shall be sentenced to imprisonment for life: (6) causes the death of a human being while committing domestic abuse, when the perpetrator has engaged in a past pattern of domestic abuse upon the victim or upon another family or household member and the death occurs under circumstances manifesting an extreme indifference to human life; or

e) For purposes of paragraph (a), clause (6), "domestic abuse" means an act that:

(1) constitutes a violation of section 609.221, 609.222, 609.223, 609.224, 609.2242, 609.342, 609.343, 609.344, 609.345, 609.713, or any similar laws of the United States or any other state; and (2) is committed against the victim who is a family or household member as defined in section 518B.01, subdivision 2, paragraph (b).

2021 Minnesota Statutes 609.185 MURDER IN THE FIRST DEGREE. (a) Whoever does any of the following is guilty of murder in the first degree and shall be sentenced to imprisonment for life: (6) causes the death of a human being while committing domestic abuse, when the perpetrator has engaged in a past pattern of domestic abuse upon the victim or upon another family or household member and the death occurs under circumstances manifesting an extreme indifference to human life; or

e) For purposes of paragraph (a), clause (6), "domestic abuse" means an act that:

(1) constitutes a violation of

section 609.221, 609.222, 609.223, 609.224, 609.2242, 609.342, 609.343, 609.344, 609.345, 609.713, or any similar laws of the United States or any other state; and (2) is committed against the victim who is a family or household member as defined in section 518B.01, subdivision 2, paragraph (b).

ILLINOIS: (720 ILCS 5/9-1) (from Ch. 38, par. 9-1) Sec. 9-1. First degree murder; death penalties; exceptions; separate hearings; proof; findings; appellate procedures; reversals. (a) A person who kills an individual without lawful justification commits first degree murder if, in performing the acts which cause the death:

(19) the murdered individual was subject to an order of protection and the murder was committed by a person against whom the same order of protection was issued under the Illinois Domestic Violence Act of 1986; (b-5) Aggravating Factor; Natural Life Imprisonment. A defendant who has been found guilty of first degree murder and who at the time of the commission of the offense had attained the age of 18 years or more may be sentenced to natural life imprisonment.

NEW JERSEY: 2020 New Jersey Revised Statutes Title 2C - The New Jersey Code of Criminal Justice Section 2C:11-3 – Murder 4) Any person convicted under subsection a.(1) or (2) who committed the homicidal act by his own conduct; or who as an accomplice procured the commission of the offense by payment or promise of payment of anything of pecuniary value; or who, as a leader of a narcotics trafficking network as defined in N.J.S.2C:35-3 and in furtherance of a conspiracy enumerated in N.J.S.2C:35-3, commanded or by threat or promise solicited the commission of the offense, or, if the murder occurred during the commission of the crime of terrorism, any person who committed the crime of terrorism, shall be sentenced by the court to life

imprisonment without eligibility for parole, which sentence shall be served in a maximum security prison, if a jury finds beyond a reasonable doubt that any of the following aggravating factors exist: 13) Murder was committed during the crime of contempt in violation of an order of protection for domestic violence

WASHINGTON: REV. CODE § 10.95.020(14) A person is guilty of aggravated first degree murder, a class A felony, if he or she commits first degree murder as defined by RCW [9A.32.030](#)(1)(a), as now or hereafter amended, and one or more of the following aggravating circumstances exist:

(13) At the time the person committed the murder, there existed a court order, issued in this or any other state, which prohibited the person from either contacting the victim, molesting the victim, or disturbing the peace of the victim, and the person had knowledge of the existence of that order;

(14) At the time the person committed the murder, the person and the victim were "family or household members" or "intimate partners" as defined in RCW [26.50.010](#), and the person had previously engaged in a pattern or practice of three or more of the following crimes committed upon the victim within a five-year period, regardless of whether a conviction resulted:

(a) Harassment as defined in RCW [9A.46.020](#); or (b) Any criminal assault.

The crime brings a mandatory sentence of life in prison without the possibility of parole.

ALABAMA: CODE § 13A-5-40(a)(19)(20) (2018)

(19) Murder by the defendant where a court had issued a protective order for the victim, against the defendant, pursuant to [Section 30-5-1 et seq.](#), or the protective order was issued as a condition of the defendant's pretrial release.

(20) Murder by the defendant in the presence of a child under the age of 14 years at the time of the offense, if the victim was the parent or legal guardian of the child. For purposes of this subsection, "in the presence of a child" means in the physical presence of a child or having knowledge that a child is present and may see or hear the act.

CAPITAL OFFENSE. An offense for which a defendant shall be punished by a sentence of death or life imprisonment without parole, or in the case of a defendant who establishes that he or she was under the age of 18 years at the time of the capital offense, life imprisonment, or life imprisonment without parole, according to the provisions of this article.

FLORIDA: STAT. § 921.141(6)(p) (2017)

921.141 Sentence of death or life imprisonment for capital felonies; further proceedings to determine sentence. (p) The capital felony was committed by a person subject to an injunction issued pursuant to s. [741.30](#) or s. [784.046](#), or a foreign protection order accorded full faith and credit pursuant to s. [741.315](#), and was committed against the petitioner who obtained the injunction or protection order or any spouse, child, sibling, or parent of the petitioner.

KENTUCKY: REV. STAT. ANN. § 532.025(2)(a)(8) (2012)

(2) In all cases of offenses for which the death penalty may be authorized, the judge shall consider, or he shall include in his instructions to the jury for it to consider, any mitigating circumstances or aggravating circumstances otherwise authorized by law and any of the following statutory aggravating or mitigating circumstances which may be supported by the evidence: (a) Aggravating circumstances: 8. The offender murdered the victim when an emergency protective order or a domestic violence order was in effect, or when any other order designed to protect the victim from the offender, such as an order issued as a condition of a bond, conditional release, probation, parole, or pretrial diversion, was in effect.

LOUISIANA: STAT. ANN. § 14:30(A)(8) (2015);

§30. First degree murder A. First degree murder is the killing of a human being:

(8) When the offender has specific intent to kill or to inflict great bodily harm and there has been issued by a judge or magistrate any lawful order prohibiting contact between the offender and the victim in response to threats of physical violence or harm which was served on the offender and is in effect at the time of the homicide. C. (1) If the district attorney seeks a capital verdict, the offender shall be punished by death or life imprisonment at hard labor without benefit of parole, probation, or suspension of sentence, in accordance with the determination of the jury. The provisions of Code of Criminal Procedure Article 782 relative to cases in which punishment may be capital shall apply. (2) If the district attorney does not seek a capital verdict, the offender shall be punished by life imprisonment at hard labor without benefit of parole, probation or suspension of sentence. The provisions of Code of Criminal Procedure Article 782 relative to cases in which punishment is necessarily confinement at hard labor shall apply.

PENNSYLVANIA: CONS. STAT. § 9711 (d)(18)

(d) Aggravating circumstances.--Aggravating circumstances shall be limited to the following:

(18) At the time of the killing the defendant was subject to a court order restricting in any way the defendant's behavior toward the victim pursuant to 23 Pa.C.S. Ch. 61 (relating to protection from abuse) or any other order of a court of common pleas or of the minor judiciary designed in whole or in part to protect the victim from the defendant.

(iii) Aggravating circumstances must be proved by the Commonwealth beyond a reasonable doubt; mitigating circumstances must be proved by the defendant by a preponderance of the evidence. (iv) The verdict must be a sentence of death if the jury unanimously finds at least one aggravating circumstance specified in subsection (d) and no mitigating circumstance or if the jury unanimously finds one or more aggravating circumstances which outweigh any mitigating circumstances. The verdict must be a sentence of life imprisonment in all other cases. (v) The court may, in its discretion, discharge the jury if it is of the opinion that further deliberation will not result in a unanimous agreement as to the sentence, in which case the court shall sentence the defendant to life imprisonment.

NORTH CAROLINA: GEN. STAT. § 14-17(a1) (2017)

§ 14-17. Murder in the first and second degree defined; punishment.

(a) A murder which shall be perpetrated by means of a nuclear, biological, or chemical weapon of mass destruction as defined in [G.S. 14-288.21](#) , poison, lying in wait, imprisonment, starving, torture, or by any other kind of willful, deliberate, and premeditated killing, or which shall be committed in the perpetration or attempted perpetration of any arson, rape or a sex offense, robbery, kidnapping, burglary, or other felony committed or attempted with the use of a deadly weapon shall be deemed to be murder in the first degree, a Class A felony, and any person who commits such murder shall be punished with death or imprisonment in the State's prison for life without parole as the court shall determine pursuant to [G.S. 15A-2000](#) , except that any such person who was under 18 years of age at the time of the murder shall be punished in accordance with Part 2A of Article 81B of Chapter 15A of the General Statutes.

(a1) If a murder was perpetrated with malice as described in subdivision (1) of subsection (b) of this section, and committed against a spouse, former spouse, a person with whom the defendant lives or has lived as if married, a person with whom the defendant is or has been in a dating relationship as defined in [G.S. 50B-1\(b\)\(6\)](#) , or a person with whom the defendant shares a child in common, there shall be a rebuttable presumption that the murder is a “willful, deliberate, and premeditated killing” under subsection (a) of this section and shall be deemed to be murder in the first degree, a Class A felony, if the perpetrator has previously been convicted of one of the following offenses involving the same victim:

(1) An act of domestic violence as defined in [G.S. 50B-1\(a\)](#) .

(2) A violation of a domestic violence protective order under [G.S. 50B-4.1\(a\)](#) , [\(f\)](#) , [\(g\)](#) , or [\(g1\)](#) or [G.S. 14-269.8](#) when the same victim is the subject of the domestic violence protective order.